IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1066 OF 2005

Er. Karpurapu Vara Prasadarao .... Petitioner.

Versus

Union of India.. ... ... Respondent.

Petitioner present in person.

Mr. S. S. Sarkar for Respondents.

CORAM: DALVEER BHANDARI, C.J. &

S. A. BOBDE, J.

DATED : MARCH 24, 2005.

P.C. :

By this petition filed on 20th September, 2004 the petitioner has challenged *inter alia* the order of the Central Administrative Tribunal dated 28th June, 2002.

2. By the impugned order the Tribunal has rejected the only prayer made for by the petitioner; i.e. to grant him pay and allowances allegedly due from 10th April, 2001 to 24th March, 2002 i.e. for the period when the petitioner was under suspension. The Central Administrative Tribunal has declined his prayer in view of para 3 of F.R.54-B which provides that an Authority competent to order reinstatement may grant full pay and allowances for the period of suspension where it is of the opinion that the suspension is wholly justified. This is subject to provisions of sub-Rule (8). The Central Administrative Tribunal after taking into account the fact that the petitioner, as Central Government Servant, was detained in central prison for a period in excess of 48 hours i.e. from 10th April 2001 to 19th April, 2001. He was, therefore, placed under deemed suspension with effect from 10th April, 2001. The Tribunal is of opinion that the charges against the petitioner are of serious nature and that the matter is not yet finally decided by the

competent court. Therefore, since the proceedings instituted against the petitioner have not yet been finalised, the Tribunal has taken a view that the respondent cannot pass any order under F.R.54-B to treat the period of suspension on duty or otherwise. The Tribunal has nonetheless given liberty to the petitioner to approach it after the proceedings instituted against him are over in the criminal court as may be advised.

3. There is a delay of about two years in approaching this Court. That apart, we find no error of law apparent on the face of the record of the Tribunal and therefore do not propose to interfere with the order impugned. We also find no infirmity in the order dated 19th March, 2002 impugned by the petitioner at page 18 of this petition. By that order the petitioner' ssubsistence allowance has been enhanced from 50% to 75%. We, however, find that the petitioner has been vexatious in litigation and we do not propose to entertain this petition on that ground also. This order appears to be

in favour of the petitioner.

4. The respondent has, along with the affidavit in reply given the details of number of petitions which the petitioner has filed. This is not denied by the petitioner. The details are as follows:-

(A) **CASES FILED AT CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI.**

SR. NO.	***CASE NO.***	***PRAYER MADE***	***JUDGMENT OF COURT***
1)	O.A.No.663/92	For promotion to the post of D. W. E.	O. A. Dismissed.
2)	O.A. No.1388/94	For immediate reinstatement and not to harass him.	O. A. Dismissed
	M. P. No. 264/95		Disposed of on 27-3-1995 with Specific Instruction.
	M.P. No.316/95		Dismissed on 10-4-1995

	M.P. No. 264/95		Dismissed on 27-3-1995
	M.P. No.729/95		Dismissed on 24-11-1995
	M.P. No.57/96		Dismissed on 5-2-1996
	M.P. No.690/96		Dismissed on 13-9-1996.
3)	O.A. No. 406/95	To set aside the punishment vide order dated 10-2-1995	This has been rejected. With warning.
4)	O.A. No.861/95	Claiming O.T. For 11-4-95 & 12-4-95, which days were declared holidays.	O.A. Dismissed.
5)	O.A. No.1130/95	To issue copies of documents in the interest of justice.	O.A. Dismissed.
6)	Review Petition No.120/95 in O.A. No. 1130/95	For getting copies of documents.	O.A. Dismissed.
7)	O.A. No.224/96	Regarding promotion to the post of DWE (E) and to quash & set aside recruitment rules for the post of DWE.	O.A. Dismissed.
8)	M.P. No.726/96 in O.A. No.224/96	To restore O.A. No. 224/96	M.P. Dismissed.
9)	M.P. No.690/96 in O.A. No.1388/94	To pay all allowance with interest, as if there was no charge sheet served on him.	M.P. Dismissed.

10)	O.A. No.1203/96	For overtime for 2 days on 11-4-1995 and 12-4-1995, which declared as holidays.	O.A. Dismissed.
11)	O.A. No.191/97	To deduct overtime allowance for which he has worked and to introduce card punching system.	O.A. Dismissed.
12)	O.A. No.336/97 and R.P. No.48/97.	Claiming overtime for 11-4-1995 and 12-4-1995, which were declared as holidays.	O.A. Dismissed.
13)	C.P. No.10/97 in O.A. No.861/95	Contempt for not implementing judgment in O.A. No.861/95.	C.P. Dismissed.
14)	C.P. No.80/97 in O.A. No.325/97	For not implementing judgment in O.A. No.325/97.	C.P. Dismissed.
15)	O.A. No. 993/97	Regarding brutal harassment from management.	O.A. Dismissed. And the Applicant was ordered to pay the cost Rs.100/- to the Respondents.
16)	O.A. No.1136/97	Regarding illegal recruitment in violation of Article 309.	O.A. Dismissed.
17)	O.A. No.753/99	For asking him to work normal hours.	O.A. Dismissed.
18)	O.A. No.902/99	To dispose of his appeal dated 24-4-99, for full pay & allowances for suspension period etc.	O.A. Dismissed.

19)	O.A. No.325/97 and M.P. No.245/97 M.P. No.292/97 C.P. No.42/97 M.P. No.88/98 R.P. No.62/97 in O.A. No.325/97 C.P. No.80/97 in O.A. No.325/97	To quash and set aside suspension order dated 14-8-96 and to pay full payment including overtime. To keep matter on top of board. M.P. To be taken on top priority as the applicant does not want to attend the inquiry on 17-4-1997. To review judgment dated 24/6/97. Non compliance of Tribunal's orders to finalise inquiry proceeding before 31/10/1997.	M.P.s & C.P.s Dismissed. Directed the Applicant to co-operate with Inquiry Proceedings. R.P. Dismissed. C.P. Rejected.
20)	O.A. No.650/97	a) To pay suspension allowance under FR 53 without delay. b) Not to harass the applicant in receiving his communication. c) To complete the inquiry in r/o S.B. Rai by 30-11-97 in the interest of department.	O.A. Rejected.

21)	O.A. No.1025/97 and M.P. No.779/97 M.P. No.379/98 and M.P. No.431/98	To quash his alleged illegal suspension for early hearing. Applicant should be paid June payment including overtime for pre-suspension period.	O.A. Withdrawn by the Applicant.
22)	O.A. No. 73/99	To consider applicants name in 2nd /3rd batch for foreign training.	O.A. Dismissed.
23)	O.A. No.102/99	Quash suspension order dated 14-8-96 and pay wages including O.T. With 18% interest for the suspension period.	O.A. Rejected.
24)	O.A. No.579/99 M.P. No. 656/99	Copy of O.A. Directly forwarded to Ministry.	O.A. Withdrawn by Applicant.
25)	O.A. No. 657/99	To sanction leave sought by the Applicant.	O.A. Disposed of.
26)	O.A. No. 753/99	Regarding his normal working.	O.A. Dismissed.
27)	O.A. No.902/99 and M.P. No.899/99	Full pay & allowance for 17 months of his suspension, etc.	O.A. Withdrawn by the Applicant.

28)	O.A. No.10/2001	For promotion.	O.A. Dismissed. C. A. T. initiated Contempt proceedings against him for making allegations against C. A. T. Members.
29)	O.A. No.305/2001	For revocation of suspension	O.A. Dismissed.
30)	O.A. No.380/2001	For grant of increment.	O.A. Is in sine-die.
31)	O.A. No.430/2001 and R.P. No.64/2001	For promotion to the post of D. W. E. and W. E.	O.A. & R. P. are Dismissed.
32)	O.A. No.561/2001	Refund of T.A. / D.A.	O.A. Dismissed.
33)	O.A. No. 830/2001 & M.P. No.46/2002 & C.P. No.46/2002	To enhance subsistence allowance.	O.A., M. P. and C.P. Dismissed.
34)	O.A. No. 272/2002	To increase subsistence allowance.	O.A. Withdrawn.
35)	O.A. No.430/2002	For pay & allowance from 10-4-2001 to 24-3-2002.	O.A. Dismissed.
36)	O.A. No.430/01	Regarding promotion to the post of D. W. E. & W.E.	Dismissed.
37)	O.A. No.561/01	Regarding refund of TA/DA amount of Rs.2700/-.	Dismissed with costs.
38)	O.A. No.830/01	Increase of subsistence allowance to 75%.	Dismissed.
39)	O.A. No.272/02.	Increase of subsistence allowance w.e.f. 10-7-01 to 28-2-02.	Withdrawn.

40)	O.A. No.430/02	For pay & allowances from 10-4-01 to 24-3-02.	Dismissed.
41)	O.A. No.464/02	Prosecution of G.M., Dy. G.M., F.A & C. A. O., C.E.	Dismissed.
42)	O.A. No.675/02	Quash the order passed by respondent & grant the pay & allowance.	Dismissed with cost Rs.5000/-.
43)	O.A. No.889/03	Challenging order of imposing penalty of compulsory retirement.	Dismissed.
44)	O.A. No.528/04	To dispose off his Appeal without personal hearing by the Appellate Authority.	Withdrawn.
45)	O.A. No.543/04	To quash and set aside Charge Sheet dated 1/8/2002 and inquiry report.	Withdrawn.

(B) CASES FILED IN THE HIGH COURT, MUMBAI.

1)	W.P. No.3276/1997	For challenging the order of the C. A. T. in O. A. No. 336/97	W.P. Dismissed at the admission stage.
2)	W.P. No. 4728/1997	a) To quash and set aside suspension order & charge sheet dated 14-8-96 and 5-9-96 respectively. b) Respondent be directed not to harass the petitioner.	Petition dismissed.

3)	W.P. No.5502/1997	a) To pay full pay and allowance if he would not have suspended from Govt. service including O.T. b) To issue written apology to the petitioner.	Petition Dismissed.
4)	W.P. No.3210/1999	To include his name in foreign training batch likely to leave on 29-5-1999.	Petition Dismissed.
5)	Criminal W.P. No.2268/99	Challenging appointment of three candidates to the post of deputy works engineer.	Petition Dismissed.
6)	Criminal W.P. No.934/2000	Permission to prosecute Shri S. B. Rai.	Petition dismissed.
7)	W.P. No.2034/2000	Challenging his suspension	Petition dismissed.
8)	W.P. No.6309/2000	Challenging the DRC proceedings held for recruitment for the post of D. W. E.	Petition dismissed.
9)	W.P. No.4814/2001	To quash the order of C. A. T. in O.A. No. 1388/94 and 406/95.	Petition dismissed.
10)	W.P. No.4814/2001	To quash the order passed by C. A. T. in O. A. No. 1388/94 and 406/95.	Dismissed.
11)	W.P. No. 1388/2002	To allow Criminal Writ Petition.	Dismissed.
12)	W.P. (PIL) No. 2/2005.	Challenging the suspension and compulsory retirement.	Writ petition dismissed.

(C) CASES FILED IN THE SUPREME COURT OF INDIA

1)	S.L.P. No.2372/2000	Challenging the judgment & order of high court, Mumbai in Cri. W. P. No. (PIL) 2268/99.	S. L. P. Dismissed.
2)	S. L. P. No. 663/02	Challenging the judgment & order of Hon'ble High Court, Mumbai in Cri. W. P. No. 709 of 2001.	S. L. P. Dismissed.

5. Moreover, the learned Counsel for the respondents brought to our notice the attempt by the petitioner to initiate contempt proceedings against two Honourable Judges of the Supreme Court of India. A letter of the Attorney General of India declining his consent to do so under Section 15 of the Contempt of Courts Act is annexed by the petitioner himself at page 15 of the paper book. Learned Counsel for the respondents further submitted that the petitioner is prone to making complaints against all those who deal with his matter. Learned Counsel for the respondents submitted that he has himself been the victim of such a complaint.

6. Having regard to the above, we are of view that it would be appropriate to dismiss this petition with costs quantified at Rs.10,000/-. The Registry is directed not to list any matter of the

petitioner before this Court unless the respondent certifies that the petitioner has paid costs imposed by us. This petition is, accordingly, dismissed with costs quantified as above.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.